

Amendment No. 1 to SB1908

**Jackson
Signature of Sponsor**

AMEND Senate Bill No. 1908*

by deleting all language after the caption and by substituting instead the following:

Whereas the 2nd amendment to United States constitution has preserved & protected the right of the people to bear arms; and

Whereas the United States Supreme Court has made clear the 2nd amendment right to keep & bear arms is a right guaranteed to each individual; and

Whereas microstamping of firearms and ammunition would infringe upon the 2nd amendment; and

Whereas microstamping of firearms and ammunition could lead to a registry or database of information regarding ownership; and

Whereas microstamping has repeatedly failed in scientific tests; and

Whereas microstamping is easily defeated & removed from firearms using basic tools; and

Whereas most crimes cannot be solved with microstamping or do not require microstamping to be solved; and

Whereas most criminals obtain guns through unregulated channels; and

Whereas over 250 million guns without microstamping are presently in the United States; and

Whereas most guns do not eject shell casings when fired; and

Whereas microstamping would waste money better spent on traditional crime fighting methods; and

Whereas microstamping would be a cost incurred by law-abiding gun owners & avoided by criminals; and

Whereas criminals will always have access to guns which have not been microstamped;
now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

Section 39-17-1363.

(a) This section shall be known and may be cited as the "Second Amendment Protection Act".

(b) As used in this section, "microstamped" means the technology by which a laser or other device is used to make precise, microscopic engravings on the internal mechanisms of a firearm for the purpose of ballistic imprinting, such as the firing pin, breech face or other internal mechanism, or the casing of a cartridge, so that when the firearm is fired, information identifying the make, model and serial number of the firearm, or the purchaser of the ammunition, is stamped on the discharged cartridge case and can then be matched to a specific firearm, purchaser or purchaser of ammunition.

(c) It is a offense for a person licensed as a firearm dealer under 18 U.S.C. § 923, to transfer, sell, deliver, or offer for sale, delivery or transfer, in this state any new firearm, as defined in § 39-11-106, or any firearm ammunition knowing that the firearm or ammunition has been microstamped.

(d) The owner of a firearm or firearm ammunition lawfully acquired may have such firearm or ammunition microstamped provided it was not originally sold in a microstamped condition in this state.

(e) A violation of this section is a fine only Class A misdemeanor and each sale or offer for sale of a microstamped new firearm or ammunition is a separate offense.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.